

## REMARKS/ARGUMENTS

### Claim Rejections 35 U.S.C. § 102

Claims 1-4, 6-12 and 16-20 are rejected, under 35 U.S.C. §102(b), as being allegedly anticipated by Iwata et al. (US Patent No. 6,009,338) (hereinafter Iwata). Applicants respectfully traverse in view of the following.

Independent Claim 1 recites a limitation whereby a sensing device provides geometric information indicating a relative position of a display with respect to an edge of a sliding display cover, as claimed. Accordingly, in this claimed embodiment the relative position is with respect to the edge of the sliding display cover. Independent Claim 1 further recites that the geometric information is provided for a plurality of positions, as claimed. Accordingly, geometric information is provided for a multiple positions. Moreover, independent Claim 1 recites a device driver performing an action based upon the position of the edge relative to the display, as claimed.

In contrast, Iwata discloses a location detector for detecting a location of the slider cover (see Iwata, col. 5, lines 55-56). Iwata further discloses that the location detector employs a cover switch to detect a location of the cover, thereby detecting an open/close status of the cover (see Iwata, col. 12, lines 47-53). Accordingly, the location detector only detects an open/close status of the

slider cover. Applicants respectfully submit that the slider cover traverses through multiple positions between its open and closed position. None of these positions is detected according to Iwata. Accordingly, Iwata fails to either teach or suggest providing geometric information indicating a relative position of a display, as claimed, because the location detector of Iwata only detects open/close status of the slider cover.

Moreover, Iwata discloses detecting the open/close status of the slider cover using a cover switch (see Iwata, col. 12, lines 47-53 and Figure 2 elements 7 and 9). Thus, the open/close status of the slider cover is determined using the slider cover with respect to the cover switch not the edge, as claimed (see Iwata, Figure 2 elements 7 and 9). Accordingly, Iwata fails to explicitly teach or suggest providing geometric information indicating a relative position of a display with respect to an edge of a sliding display cover, as claimed.

Furthermore, as discussed above, Iwata discloses detecting only the open/close position of the slider cover. As such, Iwata fails to either teach or suggest that the geometric information if provided for a plurality of positions, as claimed.

Iwata further discloses a control unit for controlling the display screen of the user interface for the closed/open status of the door, using the touch location

information from the touch screen and the switch status information from cover detect switch (see Iwata, col. 30, lines 4-7). Moreover, Iwata discloses that the switch detects the open/closed status of the door (see Iwata, col. 28, lines 61-63). Accordingly, Iwata discloses detecting whether the door is in an open/close position using the switch whereas independent Claim 1 recites a device driver performing an action based upon the position of the edge relative to the display, as claimed.

Accordingly, Iwata fails to anticipate independent Claim 1, under 35 U.S.C. §102(b). Independent Claims 8 and 16 recite limitations similar to that of independent Claim 1 and are patentable for similar reasons. Dependent claims are patentable by virtue of their dependency.

As per Claim 7, the rejection asserts that it is inherent to have an input coupled with a processor. Iwata discloses that the structure of a cover for protecting an input display unit for a portable electronic apparatus (see Iwata, col. 1, lines 17-20). Iwata further discloses that a telephone mode and an electronic mode are switched based on the open/close status of the cover (see Iwata, col. 1, lines 42-45). Applicants respectfully submit that using a cover to structurally protect the input display unit and to switch between a telephone mode and an electronic mode as disclosed by Iwata fails to either teach or suggest a sliding display cover comprising an input device, as claimed.

As per independent Claim 8, Applicants respectfully submit that as discussed above, Iwata discloses a slider cover detecting an open/close position and switching between a telephone mode and an electronic mode based on the open/close position. Switching between two modes based on an open/close status of a cover as disclosed by Iwata fails to either teach or suggest invoking an action based on information displayed on a screen. As such, Iwata fails to teach or suggest positioning an edge of the sliding cover adjacent to a portion of the information on the display screen and invoking an action of the electronic device related to the portion of the information, as claimed.

As such, allowance of Claims 1-4, 6-12 and 16-20 is earnestly solicited.

#### Claim Rejections 35 U.S.C. § 103

Claims 5, 13 and 15 are rejected, under 35 U.S.C. §103(a), as being allegedly unpatentable over Iwata. Applicants respectfully traverse in view of the following.

Claim 5 depends from independent Claim 1 and is patentable by virtue of its dependency. Moreover, the rejection takes Official Notice that a non-contact sensor device is well known in the art. Applicants respectfully disagree and assert that it is not appropriate to rely solely on common knowledge in the art

without evidentiary support in the record as the principal evidence upon which a rejection was based (see *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697).

Moreover, Applicants respectfully submit that the rejection must point to some concrete evidence in the record in support of these findings to satisfy the substantial evidence test (see MPEP 2144.03(c)). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding (see 37 CFR 1.104(d)(2) and MPEP 2100-144). As such, allowance of Claim 5 is earnestly solicited.

Claims 13 and 15 depend from independent Claim 8 and are patentable by virtue of their dependency. Moreover, the rejection takes Official Notice that features such as a sliding cover comprising a keyboard and a speaker are well known in the art. Applicants respectfully disagree under similar rationale as presented above.

Moreover, Applicants respectfully submit that even if these features are well known, one would not be motivated to modify the teachings of Iwata because Iwata explicitly discloses that the use of a cover is to structurally protect the input display unit and other electronics, as discussed above. A cover with exposed electronic components therein contradicts the motivation of Iwata to

protect electronic components (e.g., speaker and keyboard). As such, allowance of Claims 13 and 15 is earnestly solicited.

Claim 14 is rejected, under 35 U.S.C. §103(a), as being allegedly unpatentable over Iwata in view of Hansen et al., (U.S. Patent No. 5,956,625) (hereinafter Hansen). Applicants respectfully traverse in view of the following.

Claim 14 depends from independent Claim 8 and is patentable over Iwata by virtue of its dependency. Moreover, Hansen fails to teach or suggest the limitations of independent Claim 8. As such, Claim 14 is patentable over the combination of Iwata and Hansen by virtue of its dependency.

Moreover, the rejection admits that Iwata fails to teach that the sliding cover includes a microphone, as claimed. The rejection relies on Hansen to remedy this failure. Applicants respectfully submit that modifying a sliding cover to have an exposed electronic component (e.g., a speaker, as claimed) contradicts the explicit motivation of Iwata to use a cover to protect electronic components. As such, one would not be motivated to combine Iwata and Hansen in the claimed fashion. As such, allowance of Claim 14 is earnestly solicited.

For the above reasons, Applicants request reconsideration and withdrawal of these rejections under 35 U.S.C. §102 and 35 U.S.C. §103.

### CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-20 overcome the rejections of record and, therefore, allowance of Claims 1-20 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Dated: May 14<sup>th</sup>, 2007

Respectfully submitted,  
MURABITO, HAO & BARNES LLP

A handwritten signature in black ink, appearing to read "A. A. Tabarrok", is written over a horizontal line.

Amir A. Tabarrok  
Registration No. 57,137

MURABITO, HAO & BARNES LLP  
Two North Market Street  
Third Floor  
San Jose, California 95113

(408) 938-9060 Voice  
(408) 938-9069 Facsimile

**Fee Calculation**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	20	- 24 =	0	x \$50.00	\$0.00
Independent Claims	3	- 4 =	0	x \$200.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$360.00	\$0.00
<b>Total Fees</b>					\$0.00

**PAYMENT OF FEES**


5. The full fee due in connection with this communication is provided as follows:
- ☒ [ X ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.  
A duplicate copy of this authorization is enclosed.
- ☐ [ ] A check in the amount of \$
- ☐ [ ] Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

**MURABITO HAO & BARNES LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No: 45549

Respectfully submitted,

Date: 5-14-2007

By:   
Amir A. Tabarrok  
Reg. No. 57,137